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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/787,224	02/27/2004	Andrew T. Fausak	049051-0244	4827

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EXAMINER
WOOD, WILLIAM H

ART UNIT	PAPER NUMBER
2193	

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Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

	Application No.	Applicant(s)	
Office Action Summary	10/787,224	FAUSAK, ANDREW T.	
	Examiner	Art Unit	
	William H. Wood	2193	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE <u>3</u> MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.
- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
  Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1) ☒ Responsive to communication(s) filed on <u>27 February 2004</u>.

2a) ☐ This action is **FINAL.**   2b) ☒ This action is non-final.

3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4) ☒ Claim(s) <u>1-104</u> is/are pending in the application.

    4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5) ☐ Claim(s) _____ is/are allowed.

6) ☒ Claim(s) <u>1-104</u> is/are rejected.

7) ☐ Claim(s) _____ is/are objected to.

8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9) ☐ The specification is objected to by the Examiner.

10) ☒ The drawing(s) filed on <u>12 April 2004</u> is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.

    Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

    Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

    a) ☐ All b) ☐ Some * c) ☐ None of:

      1. ☐ Certified copies of the priority documents have been received.

      2. ☐ Certified copies of the priority documents have been received in Application No. _____.

      3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

    * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1) ☒ Notice of References Cited (PTO-892)

2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)

3) ☒ Information Disclosure Statement(s) (PTO/SB/08)
Paper No(s)/Mail Date <u>6/14/04</u>.

4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____

5) ☐ Notice of Informal Patent Application

6) ☐ Other: _____

DETAILED ACTION

Claims 1-104 are pending and have been examined.

Information Disclosure Statement

The information disclosure statement (IDS) submitted on 14 June 2004

has been considered by the examiner.

Claim Rejections - 35 USC § 101

35 U.S.C. 101 reads as follows:

Whoever invents or discovers any new and useful process, machine, manufacture, or
composition of matter, or any new and useful improvement thereof, may obtain a patent
therefor, subject to the conditions and requirements of this title.

Claims 1-23, 43-65, 85-86 and 101 are rejected under 35 U.S.C. 101

because the claimed invention is directed to non-statutory subject matter.

Claims recited software *per se* and lack a hardware implementation.

Claim Rejections - 35 USC § 102

The following is a quotation of the appropriate paragraphs of 35

U.S.C. 102 that form the basis for the rejections under this section made in

this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or
in public use or on sale in this country, more than one year prior to the date of application for
patent in the United States.

Claims 1-104 are rejected under 35 U.S.C. 102(b) as being anticipated by

Paul et al. (US 6,466,972 B1).

Claim 1

Paul discloses a system for executing computing tasks in a preboot execution

environment, comprising a language agent with a preboot execution language

interpreter *(column 2, lines 43-47; column 2, lines 60-63; column 5, lines 49-50;*

column 9, lines 39-42; interpreter implements the configuration described;

column 10, line 56 to column 11, line 5).

Claim 2

Paul discloses the system of claim 1, wherein the preboot execution language

interpreter is an object-oriented language interpreter *(column 2, lines 43-47,*

"machine class"; column 10, line 62, inherited).

Claim 3

Paul discloses the system of claim 1, further comprising at least one

specification for performing at least one computing task in the preboot

execution environment, wherein the language agent interprets the at least one

specification for performing at least one computing task in the preboot

execution environment, and performs the at least one computing task specified

(column 2, lines 43-47; column 2, lines 60-63; column 5, lines 49-50; column 9,

lines 39-42; interpreter implements "machine class").

<u>Claim 4</u>

Paul discloses the system of claim 3, wherein the at least one specification is

an encapsulation, encapsulating parameters resolved by the preboot execution

language interpreter at execution time *(column 10, line 56 to column 11, line 5;*

generate configuration with variable override; inherited variables).

<u>Claim 5</u>

Paul discloses the system of claim 4, wherein the encapsulated parameters are

parametric behaviors as well as parametric data *(column 10, line 56 to column*

11, line 5).

<u>Claims 6-42, 85-100 and 103</u>

The limitations of claims 6-42 and 103 correspond to the limitations of claims

1-5 and are rejected in a corresponding manner. The limitations of claims 85-

100 are found in the above citations of claims 1-5.

<u>Claim 43</u>

Paul discloses a system for specifying computing tasks in a preboot execution

environment, comprising a language agent with a preboot execution

specification generator *(column 2, lines 43-47; column 2, lines 60-63; column 5,*

lines 49-50; column 9, lines 39-42, column 10, line 56 to column 11, line 5;

generation shown column 10, lines 50-53).

<u>*Claim 44*</u>

Paul discloses the system of claim 43, further comprising a definition for at

least one specification for performing at least one computing task in a preboot

execution environment, wherein the at least one specification is generated from

the definition by the language agent with a preboot execution specification

generator *(column 2, lines 43-47; column 2, lines 60-63; column 5, lines 49-50;*

column 9, lines 39-42, column 10, line 56 to column 11, line 5; generation shown

column 10, lines 50-53).

<u>*Claim 45*</u>

Paul discloses the system of claim 43, wherein the preboot execution

specification generator is an object-oriented language code generator *(column 2,*

lines 43-47, "machine class"; column 10, line 62, inherited).

<u>*Claim 46*</u>

Paul discloses the system of claim 44, wherein the at least one specification is

an encapsulation, encapsulating parameters resolved at execution time *(column*

10, line 56 to column 11, line 5; generate configuration with variable override;

inherited variables).

Claim 47

Paul discloses the system of claim 46, wherein the encapsulated parameters are parametric behaviors as well as parametric data *(column 10, line 56 to column 11, line 5)*.

Claims 48-84, 101-102 and 104

The limitations of claims 48-84, 101-102 and 104 correspond to the limitations of claims 43-47 and are rejected in a corresponding manner.

Correspondence Information

Any inquiry concerning this communication or earlier communications from the examiner should be directed to William H. Wood whose telephone number is (571)-272-3736. The examiner can normally be reached 10:00am - 4:00pm Tuesday thru Friday.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Lewis A. Bullock Jr. can be reached on (571)-272-3759. The fax phone numbers for the organization where this application or proceeding is assigned are (571)273-8300 for regular communications.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained form either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR systems, see http://pair-direct.uspto.gov. For questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is (703)305-3900.

/William H. Wood/
William H. Wood
Primary Examiner, Art Unit 2193
March 26, 2008